IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1113 OF 2006

Piyush D.Chheda and Anr. ..Petitioners

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr.Betty D'souza i/b M/s.M.P.Vashi and Associates for the petitioenrs

Mr.K.P.Sreejith i/b Sreeji & Lal for the respondent no.3

Mrs.U.V.Kejriwal, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 4TH SEPTEMBER, 2006

P.C.:

1. This petition can be disposed of at the stage of admission itself. The petitioners have come with the grievance that they are husband and wife and working with banking institution. The respondent no.2 has lodged a complaint at Azad Maidan Police Station in respect of an offence under section 419 and 420 of the Indian Penal Code relating to encashment of stolen cheques of the value of Rs.5,99,398/-. On going through the

petition what we find is it is the petitioners' own case that they were party to the various transactions in which respondent no.2 and respondent no.3 are also involved as accomplice and it relates to the business of converting black money into white which in common parlance is known as obtaining entry and for which the parties get commission and therefore, actually speaking except for earning commission out of the said business, the petitioners are not involved in any manner and therefore, the offences registered against the petitioners under section 419 and 420 of the Indian Penal Code vide F.I.R. No.196/05 registered by Azad Maidan Police Station be quashed and set aside.

2. We do not think that the petitioners can be exonerated by us in exercise of our inherent powers under section 482 of the Criminal Procedure Code. Let the Law take its own course. We do accept the petitioners' contention that the matters require thorough investigation by Azad Maidan Police Station relating to tax evasion by respondent no.3 company in collaboration with respondent nos.2, 4

and 5. Prima facie, we are of the view that it would be proper on the part of the Commissioner of Police to transfer this case from the file of Azad Maidan Police Station to E.O.W. of Mumbai Police. Further, though the Commissioner of I.T. Bombay is not a party before us, we direct the E.O.W. of Mumbai Police that during the course of investigation if they find that there has been evasion of taxes causing loss to the revenue, they would definitely inform the Commissioner of I.T. and all concerned so that this racket can be exposed and person found guilty can be prosecuted and the case is taken to logical end. With these observations, petition is disposed of. Ld.A.P.P. to communicate this order to all concerned authorities for compliance.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)